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Attorneys for Defendant

DB INSURANCE CO., LTD.,

formerly known as

DONGBU INSURANCE CO., LTD.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

THE ARC IN HAWAII, a nonprofit
corporation,

Plaintiff,

v.

DB INSURANCE CO., LTD., a foreign)
profit corporation, formerly known as)
DONGBU INSURANCE CO., LTD.,)

Defendant.)
)
)
_____)

CV _____
(Contract)

NOTICE OF REMOVAL;
EXHIBIT "1"; CERTIFICATE OF
SERVICE

NOTICE OF REMOVAL

Defendant DB INSURANCE CO., LTD., a foreign profit corporation, formerly known as DONGBU INSURANCE CO., LTD. (“Defendant”), by and through its attorneys, Fukunaga Matayoshi Ching & Kon-Herrera, LLP, hereby files this Notice of Removal pursuant to 28 U.S.C. §§1441(a) and 1446 for the removal of the above entitled action from the Circuit Court of the First Circuit, State of Hawaii, to the United States District Court for the District of Hawaii. In support, Defendant submits to the Court:

1. That the above entitled action was filed in the Circuit Court of the First Circuit, State of Hawaii, on February 12, 2020, and is now pending in that court. A true and accurate copy of Plaintiff THE ARC IN HAWAII (“Plaintiff”)’s Complaint; Demand for Jury Trial; Summons (“Complaint”) is attached as Exhibit “1” and incorporated herein by reference.

2. That this action arises out of the theft, computer fraud, money laundering, and other criminal acts of Plaintiff’s former employee, who reportedly stole \$6,969,165.27 from January 20, 1998 through January 31, 2017. Plaintiff submitted a claim under five commercial property policies issued by Defendant for the consecutive policy periods beginning on or about June 4, 2012 through June 4, 2017. Plaintiff and Defendant do not agree on the amount of covered losses under the policies for this claim.

3. That the United States District Court for the District of Hawaii has original jurisdiction over this action by reason of complete diversity of citizenship between the parties under 28 U.S.C. §1332.

4. Plaintiff is and was at all times relevant to this action, a nonprofit corporation organized and existing under the laws of the State of Hawaii with its principal place of business in Honolulu, Hawaii.

5. Defendant is and was at all times relevant to this action, a foreign corporation, incorporated in the Republic of Korea, with its principal place of business in Seoul, Korea.

6. Defendant is the only identified defendant in this action.

7. Plaintiff claims it sustained no less than \$2,697,490.23 in covered losses under the policies, and that Defendant's offer to pay \$250,000 understates Plaintiff's claim. Therefore, the amount in controversy, exclusive of interest and costs, exceeds \$75,000.00.

8. That on February 19, 2020, Defendant received a copy of the Complaint in this action.

9. That thirty (30) days have not expired since Defendant received a copy of the Complaint in this action.

10. That the Complaint, Demand for Jury Trial, and Summons attached hereto as Exhibit “1” is the only process, pleadings, and order served upon Defendant in this action.

WHEREFORE, Defendant DB INSURANCE CO., LTD. prays that the above entitled action be removed from the Circuit Court of the First Circuit, State of Hawaii, to the United States District Court for the District of Hawaii.

Dated: Honolulu, Hawaii, March 10, 2020.

/s/ Wesley H. H. Ching
WESLEY H.H. CHING
SHEREE KON-HERRERA
Attorneys for Defendant DB INSURANCE CO.,
LTD., formerly known as DONGBU
INSURANCE CO., LTD.